

COUNTY OF YORK

MEMORANDUM

DATE: October 30, 2001 (BOS Mtg. 11/20/01)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Redistricting - 2001

INTRODUCTION

This year it will be necessary for the Board of Supervisors to redraw the County's election district boundaries. Based on the principle of "one person, one vote," Federal and Virginia law require election districts to be drawn every ten years, following the decennial census, so as to be relatively equal in population. The current election districts met this requirement ten years ago, but, because the geographic distribution of population growth since 1990 has been uneven, they no longer do.

REDISTRICTING CRITERIA

The criteria for redistricting include specific Federal and state legal requirements as well as traditional criteria that are not required by statute but have been recognized by the courts in recent years. The Board can also establish redistricting criteria of its own, as long as they do not conflict with any of the legal requirements.

- **Equal Population.** The fundamental criterion for redrawing election district boundaries is that all of the districts must be relatively equal in population. Obviously it would be virtually impossible to draw the lines in such a way that each district has the exact same population, so a certain amount of deviation is permitted. No district should deviate from the ideal population by more than $\pm 5\%$.

The official 2000 Census count for York County was 56,297, so the ideal election district population is 11,259 (56,297 divided by five districts). With a maximum deviation of $\pm 5\%$, each district population must be between 10,696 and 11,821; none of the current districts is within this population range. The current election districts range in population from 9,538 in District 1 and to 14,637 in District 2. Districts 3 and 4 are too small (10,372 and 9,596 respectively), and District 5 too large (12,154).

- **Compactness and Contiguity.** The Virginia Constitution states that local election districts must be composed of compact and contiguous territory. Whether or not a district is compact is a fairly subjective matter for which no legal standard has been established. Compactness, like beauty, is in the eye of the beholder. Contiguity, on the other hand, does have a legal standard. It simply means that no area can be included in a district if it does not share a common boundary with that district. That is, the district must be all of one piece and cannot consist of two or more unconnected territories. A district boundary does not have to be land; bodies of water are acceptable boundaries.

- **Race.** The Federal Voting Rights Act of 1965 bans racial discrimination in voting. Redistricting plans can have neither the intent nor the effect of denying or abridging anyone's right to vote on account of race, color, or status as a member of a language minority group (i.e., Hispanic). Virginia is one of nine states that, because of a history of past discriminatory practices, are covered by the "preclearance" requirement set forth in the Voting Rights Act. Seven additional states contain localities that are subject to this requirement. In accordance with this requirement, York County's redistricting plan must be "precleared" by the U.S. Department of Justice before it can be implemented. The basic rule is that racial demographics can be considered as part of the redistricting process but only as **one** aspect of the process.

Redistricting plans should strive not to dilute minority voting strength, but it is unclear what constitutes dilution. On the one hand, plans that "pack" minority voters into one minority-populated district to prevent them from having an effective voice in more than one district have been rejected, but so have plans that "crack" a concentration of minority voters into several districts to prevent their effective control of one district.

When the County last redistricted in 1991, the U.S. Department of Justice was advising local governments that minority populations in jurisdictions (such as York County) where no "majority-minority" district could be created, should nonetheless be concentrated to the maximum extent possible into a single district. For that reason, the boundaries of District 2 were drawn with the intent of creating a district that would come close to a "majority-minority" district. The result was a district whose boundaries were elongated and irregular (as were the boundaries of District 1), but whose population was 45.5% nonwhite, based on 1990 Census data. (Court cases since the last decennial redistricting have indicated that race should not be the overriding criteria in redistricting, and that race should be considered in the context of other traditional redistricting criteria when district lines are redrawn). Since 1990 the nonwhite population has grown faster than the white population in the County as a whole, but not in District 2, where the nonwhite proportion of the population has fallen to 35.3%. Meanwhile the nonwhite proportion of the population has increased in each of the other four districts. As a result, it appears not to be possible (just as it was not possible in 1991) to align the five districts in a manner to create a "majority-minority" district where a majority of the district population of the district is nonwhite. The table below compares the racial composition of each of the current election districts based on 1990 and 2000 census figures.

District	1990 Population				2000 Population			
	White		Nonwhite		White		Nonwhite	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
1	7,271	87.5%	1,042	12.5%	8,104	85.0%	1,434	15.0%
2	4,686	54.5%	3,912	45.5%	9,468	64.7%	5,169	35.3%
3	7,745	92.3%	650	7.7%	9,362	90.3%	1,010	9.7%
4	8,028	94.0%	516	6.0%	8,599	89.6%	997	10.4%
5	6,757	78.8%	1,815	21.2%	9,505	78.2%	2,649	21.8%
TOTAL	34,487	81.3%	7,935	18.7%	45,038	80.0%	11,259	20.0%

According to the General Assembly's Division of Legislative Services, there are several other "traditional redistricting criteria" that have been recognized by the courts in recent

years. These criteria were used in developing alternatives for the Board's consideration and they include the following:

- Avoiding splits of political subdivisions, precincts, and census blocks;
- Preserving communities of interest;
- Preserving the shape of existing districts to the extent feasible;
- Avoiding placing two or more incumbents in the same election district;
- Political fairness or competitiveness, and
- Voter convenience and effective administration of elections.

Finally, there are two additional criteria guided the preparation of the various redistricting scenarios:

- Ideally, election district lines should follow clearly observable and distinct boundaries, such as roads, creeks, and streams. In an area of the upper County, for example, many parcels in the Panther Place, Queens Creek Estates, and Cobble Creek subdivisions are physically located in two different election districts because the boundary between District 1 and 2 is a 200' Virginia Power easement. This is an undesirable situation that should be avoided if possible.
- Ideally, roads used as district boundaries should be arterial roads and major collector roads. Streets that divide individual subdivisions, whatever their width or functional classification, should be avoided if possible. Residential subdivisions should not be split into different districts if that can be avoided.

Using these general criteria as guidance, staff prepared a series of alternative redistricting plans that met the numerical standards for equality, four of which were selected by the Board for public review. With the Board's concurrence, all of the alternative plans were based on the premise that the number of election districts will remain at five. In addition the pairing of incumbents on the Board of Supervisors and the School Board was avoided to the extent possible.

PUBLIC REVIEW

Public involvement is an important part of the redistricting process. Accordingly, on September 4, 2001, the Board authorized staff to conduct a series of seven (7) public information meetings throughout the County to display and receive comments on the four alternatives. Two of these meetings (at Brown Park Community Building in Lackey, and at Griffin-Yeates Center on Government Road) were scheduled in the areas of the largest minority concentrations in the County in an effort to maximize minority input and participation. All of the meetings were advertised on the County government cable channel – Channel 46 – and also in the three local newspapers. In addition, notices were given in press releases and by Board members at several Board of Supervisors' meetings.

On October 23, 2001, the Board of Supervisors held a public work session to discuss the four alternatives and the comments received from some of the 21 citizens attending the public information meetings. After discussion, the Board reached consensus that

Alternative 2, with two minor adjustments, should be advertised for formal public hearing and consideration at the November 20, 2001 meeting.

DESCRIPTION OF ALTERNATIVE 2

Alternative 2 provides for five (5) election districts and thirteen (13) precincts. The proposed precinct boundary lines and polling places have been developed with assistance from the Registrar. The boundaries of District Nos. 4 and 5 would change very little from the current configuration under this alternative. The major changes under this alternative from the current boundaries involve increasing the compactness of District 2 so that it would no longer extend into the Upper County, expanding the area encompassed by District 3, and extending District 1 to cover the entire Upper County. A summary of the shifts in major developments from the current to the proposed is shown in the following chart:

ALTERNATIVE 2		
Areas to be shifted	Current District	Proposed District
Cobble Creek, Springfield Terrace, Panther Place, Penniman East, Magruder Woods, Carver Gardens, Country Club Acres, Callahan Village, Williamsburg Bluffs, Naval Weapons Station (western portion), Springfield Road	2	1
Lackey, Yorkshire Townhouses, Zook Mobile Homes, Kings Court, Yorktown Square Apartments, Richneck Road	2	3
Grafton Branch, Scotch Tom Woods, Barcroft, Allens Mill Road (east side)	3	4
Smithville Terrace, Tabb Terrace, Hollymead	5	4
Bethel Manor east of Big Bethel Road, west of First Avenue, and south of Fifth Avenue	2	5

Alternative 2 avoids grouping any of the five incumbent Board of Supervisors members in the same election district. It does, however, group the current District 1 and District 2 School Board incumbents in the same district. The School Board, and particularly these two incumbents, are aware of this proposal and have not expressed objections.

CONCLUSION

Staff believes that all of the alternatives considered by the Board are consistent with the criteria established to guide the redistricting process. Alternative 2 is particularly responsive to the goal of compactness when compared with the current boundaries. All

districts are within the numerical requirements for maximum deviation from the ideal population and four of the five districts provide a higher minority composition than the overall minority percentage of the County's total population (19.9%).

Staff stands ready to assist the Board in any way that it can in its deliberations and decision-making process. Proposed Ordinance No. O01-21 has been prepared to reflect and describe the election district boundaries, precinct boundaries and polling places depicted on the map discussed and reviewed by the Board. If adopted, the County Attorney will proceed immediately to coordinate the preparation of the materials necessary for the Justice Department preclearance review.

Carter/3337/jmc

Attachment

- Proposed District and Precinct Boundaries Map
- Proposed Ordinance No. O01-21

Copy to: R. Page Minter, Chairman, York County School Board
Josephine Hargis, Chair, York County Electoral Board
Pamela G. White, General Registrar
James E. Barnett, Jr., County Attorney